

REMARKS

On January 18, 2006, the Board of Appeals rendered a decision reversing all rejections in this case. Prosecution was reopened. Claims 22 and 33 were objected to for informalities. Claims 22, 26, 28, 30 and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by Broderick, U.S. Patent No. 3,954,034. Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broderick in view of Sauer, U.S. Patent No. 3,522,762. Claims 33 and 36 were rejected under §103(a) as being unpatentable over Broderick, as modified above or not, in view of Wolfberg et al., U.S. Patent No. 3,866,497. Claims 23, 27, 29, 34 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broderick, as modified above or not, in view of Irsik, U.S. Patent No. 5,967,512. Claims 24, 25, 35 and 38 were rejected under §103(a) as being unpatentable over Broderick, as modified or not, in view of Kirkpatrick, Jr. et al., U.S. Patent No. 6,435,069.

Claims 22 and 33 to 38 have been amended. Claim 40 has been added.

Reconsideration of the application is respectfully requested.

Claim Objections

Claims 22 and 33 were objected to for informalities.

35 U.S.C. 102(b) Rejections

Claims 22, 26, 28, 30 and 33 were rejected under 35 U.S.C. §102(b) as being anticipated by Broderick, U.S. Patent No. 3,954,034.

Broderick discloses a top roll 17 and a bottom roll 18. Mounted on the outside circumference of the roll and running parallel to the axis of the roll are a plurality of blades 24. Blade 24 is mounted in a slot 25 in the surface of the roll 17 and is held in this slot by a wedge shaped member 26 and suitable screws 27. The outer edge of the blade has a plurality of outwardly extended cutting edge portions 28 spaced along the blade. Wrapped about the circumference of the roll and extending between cutting edges of adjacent blades is sponge rubber or other suitably resilient material strips 29. (See col. 2, lines 47-64).

Claim 22 as amended recites “the first blade edges extending radially beyond the first cutting cylinder nipping surface when the first blade edges are apart from the anvil cylinder.” Support is found at Fig. 2 for example.

Broderick does not show this feature and because of bearers 22, 31 and the foam material strips 29 of Broderick, the edge portions 28 must remain below the surface of the strips 29 (see col. 3, lines 1 to 3 and Fig. 4.

Withdrawal of the rejections to the claims under 35 U.S.C. §102(b) is respectfully requested.

35 U.S.C. 103(a) Rejections

Claims 26 and 28 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broderick in view of Sauer, U.S. Patent No. 3,522,762. Claims 33 and 36 were rejected under §103(a) as being unpatentable over Broderick, as modified above or not, in view of Wolfberg et al., U.S. Patent No. 3,866,497. Claims 23, 27, 29, 34 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broderick, as modified above or not, in view of Irsik, U.S. Patent No. 5,967,512. Claims 24, 25, 35 and 38 were rejected under §103(a) as being unpatentable over Broderick, as modified or not, in view of Kirkpatrick, Jr. et al., U.S. Patent No. 6,435,069.

Sauer discloses two rotary slot anvils 12 having resilient covers 13 and two intermediate rotary anvils 14 having resilient covers 15, all adjustably mounted upon a shaft 16 in spaced relation for movement therealong. Sauer further discloses a straight continuous rule or knife 18 mounted upon a cylinder 20 through an arcuate support 22.

Claim 26 recites the first cutting cylinder includes a two-part metallic hub.

Claim 28 recites the first anvil cylinder includes a two-part metallic hub.

Neither Broderick nor Sauer disclose the cutting cylinder or anvil cylinder being “a two-part metallic hub.” Anvils adjustably mounted upon a shaft in spaced relation for movement therealong is not a “a two-part metallic hub” as claimed.

Claims 33 and 36 were rejected under §103(a) as being unpatentable over Broderick, as modified above or not, in view of Wolfberg et al., U.S. Patent No. 3,866,497.

Claim 33 as amended recited “a first cutting cylinder nipping surface extending circumferentially about the first cutting cylinder from the first blade sides.” Broderick does not show the surface of 29 extending from the “sides” of the blade 24, as the surface of 29 always is below or has a gap with the blade sides. Wolfberg also does not show this feature.

Claims 23, 27, 29, 34 and 37 were rejected under 35 U.S.C. §103(a) as being unpatentable over Broderick, as modified above or not, in view of Irsik, U.S. Patent No. 5,967,512.

Irsik discloses a bearerless nip roller with urethane of preferably 60 Durometer. It is clear to one of skill in the art that this is an incompressible material (such as unfoamed rubber or urethane). Broderick requires a compressible (foamed) material for the strips 29 so that they can compress. There is no teaching or reason to combine the urethane of Irsik to the Broderick device with bearers and compressible strips, and withdrawal of this rejection is respectfully requested.


Claims 24, 25, 35 and 38 were rejected under §103(a) as being unpatentable over Broderick, as modified or not, in view of Kirkpatrick, Jr. et al., U.S. Patent No. 6,435,069, and withdrawal in view of the amendments to claims 23 and 33 is respectfully requested

Withdrawal of the rejections to the claims under 35 U.S.C. §103(a) is respectfully requested.

CONCLUSION

The present application is respectfully submitted as being in condition for allowance and applicants respectfully request such action.

Respectfully submitted,
DAVIDSON, DAVIDSON & KAPPEL, LLC

By: 
William C. Gehris
(Reg. No. 38,156)

Davidson, Davidson & Kappel, LLC
485 Seventh Avenue
New York, New York 10018
(212) 736-1940